

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEFFREY DUANE KROWIORZ, II,

Defendant.

No. 12-CR-4098-DEO

ORDER ACCEPTING REPORT
AND RECOMMENDATION
CONCERNING GUILTY PLEA

I. INTRODUCTION AND BACKGROUND

Before the Court is Magistrate Judge Leonard T. Strand's Report and Recommendation Concerning Guilty Plea (Docket No. 34, 03/26/2013).

On October 25, 2012, a one count Indictment (Docket No. 2) was returned in the above-referenced case. On March 26, 2013, Defendant Jeffrey Duane Krowiorz appeared before United States Magistrate Judge Leonard T. Strand and entered a guilty plea to Count One pursuant a plea agreement with the Government.¹

Count One of the Indictment charges that on or about September 28, 2012, in the Northern District of Iowa, the defendant Jeffrey Duane Krowiorz, II, having previously been

¹ The plea agreement is filed at Docket No. 37.

convicted of at least two felony drug offenses, namely, possession of lithium for the manufacture of methamphetamine, on or about June 18, 2007, in the Iowa District Court for Emmet County, case number FECR008893; and possession of anhydrous ammonia with intent to manufacture a controlled substance, on or about July 9, 2007, in the Iowa District Court for Clay County, case number FECR013076, did knowingly and unlawfully possess with intent to distribute 5 grams or more of actual (pure) methamphetamine, a Schedule II controlled substance.

This was in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B) and 851.

The Report and Recommendation (Docket No. 34) recommends that defendant Jeffrey Duane Krowiorz II's guilty plea be accepted. Waivers of objections to Judge Strand's Report and Recommendation were filed by each party (Docket Nos. 35 and 36). The Court, therefore, undertakes the necessary review to accept defendant Jeffrey Duane Krowiorz II's plea in this case.

II. ANALYSIS

A. Standard of Review

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made as follows:

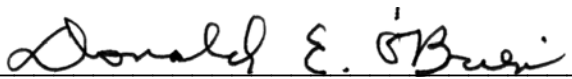
The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommendation decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b).

As mentioned, waivers of objections to the Report and Recommendation have been filed, and it appears to the Court upon review of Magistrate Judge Strand's findings and conclusions that there are no grounds to reject or modify them.

IT IS THEREFORE HEREBY ORDERED that this Court accepts Magistrate Judge Strand's Report and Recommendation (Docket No. 34), and accepts defendant Jeffrey Duane Krowiorz II's plea of guilty in this case to Count One of the Indictment (Docket No. 2).

IT IS SO ORDERED this 23rd day of May, 2013.


Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa